

WAC 246-260
Water Recreation Facilities
Public Comments Received April 17, 2004 through adoption hearing

Section	Comment	Response	Commenter
010, 131	Question why hotel pool does not have to have a lifeguard and the private club pool does	When we changed the regulations in 1990, there was discussion of the different types of pools and their classification. In general, pools that are associated with some type of living unit were placed in a "limited use" category. Facilities that were included in this category were apartments, homeowner associations, condominiums, hotel/motel, mobile home parks, RV parks. General use facilities were classified as municipal facilities, clubs such as athletic clubs, tennis or golf clubs, YMCA's, and the like. The committee made the distinction based on the intended user. A person at an apartment, condo, motel, mobile home park, were considered "residing" at a location and as long as the use was just for the users and their invited guests, this was not considered a general use. The committee determined that the private club was more common to the use and expectations of a municipal or YMCA type pool facility. If a "limited use" facility plans to have formal training, classes, formal exercise classes and the like, it is necessary that they conform to the requirements of the general use pool during those periods.	Lori Clark, Island County Environmental Health
(031)(4)(d)(ii)	Wording appears to be the opposite of what we intend	Lead in sentence in item (d) provides conditions for intended meaning.	Laura Martin, Chelan-Douglas Health
(031)(4)(f)(ii)	Changing latch height from 54" to 60" will create some hardships.	Discussed some alternative type of devices that could be used that are not expensive.	Steve Main, Spokane RHD
031(5)	Review of barrier section, likes the change to 5 feet, but prefers to not have the requirement for horizontal and vertical members	There are some financial burdens anticipated with the regulation change, but the regulation does provide a 4 year period to gear up for the change and does help address key safety design items to reduce drowning potential. There have been some near drownings associated with 6-inch width, and horizontal member construction allows climbability by small children.	Rick Dawson, BFHD.
031(8)	Wording doesn't flow well, suggest reworking	This was on an earlier draft which was revised to improve readability	Randy Phillips, Clark County Health
031(8)(b)	Wording seemed choppy on this section.	Reviewing earlier draft. Okay with new.	Steve Main, Spokane RHD
031(21)(f)	Does our pool require hot water for showers and sinks in addition to the cold water for our limited use homeowner's Association?	Intent will apply to new and major renovations for existing.	Bill Frederick, Manager for Homeowner's Association in Island county

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031(22)	Section in diaper changing section cites wrong subsection	This was an error in the draft the person was reviewing. Our staff found the error too and made changes in subsequent update.	Anne Fowler, Kitsap County Health
031(24)* in older draft	Food Service requirements not found in operation section	Reviewing earlier draft, Food service requirements are in section 131. Okay with new draft.	Steve Main, Spokane RHD
(031)(24)	Questions about requirements for flow through pool facilities.	Essentially no change from existing code to proposed code. Allows flow through pools with same requirements.	Kelly Mann, Attorney for proposed hot springs.
041(9)(c)	The marking line should have a minimum width to ensure adequate visibility during a high use day..	Used to have 3 inch marking line, was removed during rewrite. Section removed as considered unnecessarily prescriptive.	Steve Main, Spokane RHD
041(11)	Single main drain. Is the requirement going to require installing a second main drain?	No, provide an emergency shut-off switch and audible alarm as with a spa pool	Dave Eaton, WW Health [in response to Odd Fellows Club pool question]
041(11)	Language for single main drain protection will provide greater level of protection if add following statement with the code as proposed: "Ensure either no check valve is provided in the system between the pump and the return line to the pool, or sufficient protection is provided to prevent creation of a vacuum from a check valve"	Having received this comment just prior to submitting the documents to the board, a response is not yet developed.	Don Jones, DJ Tech, Pool Designer, builder. Portland.
051(4)	Proposing an alternate formula for determining bather load and capacity in spa pools.	Designer's argument is based on clean filter and average turnover rates through the filter cycle. Our requirements look at minimum turnover. Minimum turnover rates may be maintained for extended periods. There is need to ensure it provides adequate protection. We ask that the spa capacity be posted at spa pools. Increasing turnover rate will improve the treatment provided for the spa pool. The regulations on this issue are not changing from the current code, only expressed with a formula rather than the graph. Intent is to simplify this portion of the regulation, but not change intent.	Don Jones, DJ Tech, Pool Designer, builder, Portland
051(4)	Graphic is hard to follow, needs to be improved	This was response to earlier draft and formula was made more readable	Randy Phillips, Clark County Health
081	(b)(ii) Questions the need for two main drains when there is no standing water.	There have been times when drains have been covered by children to buildup water in the area, in the event we have water in these conditions, we believe provided two drains properly manifolded helps to eliminate potential hazard for suction and evisceration.	Don Jones, DJ Tech, Pool designer, builder, Portland
091(6)(b)	ASTM standard applies to playground surfacing, fall zones not defined in ASTM standard	Only standard found that applies to protection providing from padding. Talked with national experts who suggested these as	Steve Main, Spokane RHD

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		minimums. Also able to field test these now. Fall zones can be discussed in relation to overall definitions in other standards and guidance for establishing safe areas beyond a water feature.	
131	Question on lifeguarding requirement for private club. Supported concept for providing guards.	Went through requirements for designation for when a lifeguard will be required for private clubs.	Scott Duffy, Homestead Fitness Center
131	Question on application of lifeguarding requirements for RV park	Explained requirement, they provide some guarding in the summer now. Not required but encouraged.	Tess Scarberry. Black Mountain RV park
131	Question on lifeguarding requirement for private club. They are a small racquet club with 300 members. Currently allow family swims with adults overseeing children. Pool is apparently open to members at all hours. Tried to get on web site but couldn't pull up regulation. We are sending her a copy. She planned to write letter of concerns.	Went through requirements for designation for when a lifeguard would be required. Cyndi Smith wanted to see if there were any other options for their facility. She felt this was going to be a hardship.	Cyndi Smith, Lakewood Racquet Club
131	Lifeguarding requirement for private club. Is it required for facilities that have adult supervision for children 13 and under?	Yes. In shallower pools, there are provisions for attendants in shallower pool water.	Dave Eaton, WWHealth, [in response to Odd Fellows Club pool question]
131	<p>Gary,</p> <p>I talked with you in Richland and how the new regs will affect us. I trust you will make my opinion known at the Public Hearing on May 12, 2004 as I cannot be there.</p> <p>The new regulation for lifeguarding pools at private clubs puts an undue burden on health club owners and will completely change the way we do business. For many, this means pulling our hot tubs, as ours are separated by a wall from the pool and can in no way justify a separate life guard. Also it means that we will either completely restrict children in our facility or put very limited hours on children in our facility.</p>	<p>I'm not sure what is meant on the hot tub condition. Regulations do not and would not necessarily require guarding a hot tub or spa. The owner may either guard a spa or wading pool or provide adequate barrier protection for same and require adult supervision for small children under 12 and a buddy system for those 13-17.</p>	Peggy Buttars, Athletic Club in Richland

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	<p>In light of the national epidemic of childhood obesity rates, this is going in the wrong direction. While some children hate the thought of exercise, many will "play" in a pool and burn many calories doing so. We require and enforce the current rule of 12 and older with a buddy or under 12 with adult supervision, and for us has been successful.</p> <p>The cost of lifeguarding the pool during all of our hours would be astronomical and unreasonable. Please consider alternative ways or exemptions for private health clubs.</p> <p>How can we make the parents more responsible for their own children, instead of someone else??</p> <p>Peggy Buttars, Owner Lower Valley Athletic Club</p>		
131 [from web site]	<p>The requirement to provide a lifeguard at our facility creates a burden that would probably close down our center. The Odd Fellows have operated a "Members Only" athletic center for 25 years without a lifeguard and without one accident. The use of our pool is governed by a strict set of enforced rules. Because of the random times the pool is occupied, and because the pool is not used nearly 70 percent of the time, it would be untenable to hire a life guard unless one could be found on an "on call" basis. A letter of detail is in the mail to your office to further define our comment.</p>	<p>While the regulation is making changes for the lifeguarding requirements, it is directing protection with the lifeguarding to persons 16 years of age and under. The potential to allow use of the facility by this age group with a lifeguard would be possible by restricting hours for those under this age.</p>	<p>Odd Fellows Club, Walla Walla</p>

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171(1)	Concern expressed with compliance section applying to pools built prior to 1987 and does that mean everything else needs to come into compliance with new requirements?	The concern is valid and the effects are unintended. There is need to clarify this section of the regulation to conform with the intent of the rewrite.	Vanessa Bussiere, Kitsap County Health
General	Were regulations adopted yet? When will they become effective?	Hearing set for May 12, 2004, plan is to become effective in September, 2004.	Bonnie Halverson, Kitsap County Health.
General	What is timeline for adoption and when is the conference call	Earlier draft of regulation sent to task force and conference call set up to discuss changes since their last meeting	Jan Simon, Washington State Hotel & Lodging Association
General	Requests copy of new rule changes	We sent him a copy	Don ? Rock Island, Orcas Island
General	Request to be able to provide article in newsletter about reviewing regulation, directing to DOH internet site	We told them to go ahead and put in their newsletter	Bob Poole, Thruston County Health